

CAUSE NO. 2010-34702

|                           |   |                         |
|---------------------------|---|-------------------------|
| ANULI NABO,               | § |                         |
| <i>Plaintiff,</i>         | § | IN THE DISTRICT COURT   |
|                           | § |                         |
| v.                        | § |                         |
|                           | § | 281st JUDICIAL DISTRICT |
| TEXAS SOUTHERN UNIVERSITY | § |                         |
| COLLEGE OF PHARMACY AND   | § |                         |
| HEALTH SCIENCES and DR.   | § | HARRIS COUNTY, TEXAS    |
| BARBARA E. HAYES, DEAN,   | § |                         |
| <i>Defendants.</i>        | § |                         |

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**DEFENDANTS' ORIGINAL ANSWER AND AFFIRMATIVE DEFENSES**

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TO THE HONORABLE JUDGE OF SAID COURT:

NOW COME Defendants Texas Southern University College of Pharmacy and Health Sciences and Dr. Barbara E. Hayes, Dean, and file their *Original Answer and Affirmative Defenses*, and in support thereof, would show the Court the following:

**I. ORIGINAL ANSWER (General Denial)**

Pursuant to Rule 92 of the Texas Rules of Civil Procedure, Defendants generally deny the allegations in Plaintiff's Original Petition and demand strict proof thereof.

**II. AFFIRMATIVE DEFENSES**

Pleading further, Defendants hereby assert the following affirmative defenses to which they may be entitled:

1. Sovereign immunity bars any and all of Plaintiff's claims to which that defense may apply.
2. Qualified (or official) immunity bars any and all of Plaintiff's claims to which that defense may apply.

3. Plaintiff's claims, in whole or in part, fail because Plaintiff has failed to state a claim upon which relief may be granted.

4. Plaintiff's claims, in whole or in part, are barred by waiver.

5. Plaintiff's claims, in whole or in part, are not ripe for adjudication.

6. Plaintiff's claims, in whole or in part, are barred by Plaintiff's failure to exhaust her administrative remedies.

7. Plaintiff's own acts and/or omissions caused or contributed to the Plaintiff's injuries, if any.

8. Plaintiff has failed to mitigate her damages, if any.

9. Defendants reserve the right to raise additional affirmative defenses as they become apparent during the development of the case.

#### **IV. PRAYER**

WHEREFORE, PREMISES CONSIDERED, Defendants respectfully request that the Court enter judgment for them and against Plaintiff, holding that Plaintiff take nothing by her action and award Defendants such further relief to which they are entitled, including costs and attorney's fees.

Dated: June 21, 2010

Respectfully submitted,

GREG ABBOTT  
Attorney General of Texas

C. ANDREW WEBER  
First Assistant Attorney General

DAVID S. MORALES  
Deputy Attorney General for Civil Litigation

ROBERT B. O'KEEFE  
Chief, General Litigation Division

/s/ Darren G. Gibson

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***ATTORNEYS FOR DEFENDANTS***

## CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of Defendants' Original Answer and Affirmative Defenses has been sent *via U.S. Certified Mail, Return Receipt Requested* on June 21, 2010, to:

Don R. Caggins, Sr.  
2030 North Loop West  
Suite 285  
Houston, Texas 77018  
*Attorney for Plaintiff*

/s/ Darren G. Gibson  
DARREN G. GIBSON  
Assistant Attorney General



I, Loren Jackson, District Clerk of Harris County, Texas certify that this is a true and correct copy of the original record filed and or recorded in my office, electronically or hard copy, as it appears on this date  
Witness my official hand and seal of office  
this \_\_\_\_\_

Certified Document Number: \_\_\_\_\_

LOREN JACKSON, DISTRICT CLERK  
HARRIS COUNTY, TEXAS

**In accordance with Texas Government Code 406.013 electronically transmitted authenticated documents are valid. If there is a question regarding the validity of this document and or seal please e-mail [support@hcdistrictclerk.com](mailto:support@hcdistrictclerk.com)**